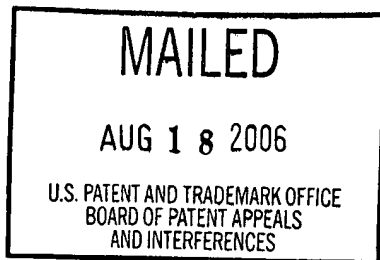


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**



Ex parte DOUGLAS J. ZABAWA

Appeal No. 2006-2072
Application No. 10/814,066

ON BRIEF

Before CRAWFORD, NAPPI, and FETTING, Administrative Patent Judges.
CRAWFORD, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 and 2, which are all of the claims pending in this application.

The appellant's invention relates to a fan rotor of the type used in an aircraft gas turbine engine which includes a hub capable of rotating about a rotational axis and an array of blades extending radially from the hub (specification, p. 1). A copy of the claims under appeal is set forth in the appendix to the appellant's brief.

THE PRIOR ART

The prior art reference of record relied upon by the examiner in rejecting the appealed claims is:

Cain et al. (Cain)

4,417,854

Nov. 29, 1983

THE REJECTION

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cain.¹

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejection, we make reference to the answer (mailed June 30, 2005) for the examiner's complete reasoning in support of the rejections, and to the brief (filed May 23, 2005) for the appellant's arguments thereagainst.

¹ The final rejection p.2 erroneously states that the rejection relates to claims 10 and 21. However, as the application does not include a claim 10 or a claim 21 and the answer refers to the rejection of claims 1 and 2, we assume that the rejection is directed to claims 1 and 2. The cover sheet of the final rejection correctly refers to the rejection of claims 1 and 2.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art reference, and to the respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

The examiner has rejected the claims under 35 U.S.C. § 102(b). We initially note that to support a rejection of a claim under 35 U.S.C. § 102(b), it must be shown that each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

The examiner finds:

Cain et al. discloses a bladed rotor comprising a hub 24 having a main body with slots 22 and a plurality of blades 10 each having an attachment 14 occupying one of the slots 22 and having both a proximal and distal end where the proximal end is rounded (See Figure 1) since the blade attachment is presumed to have the same profile from the proximal end to the distal end [final rejection at page 2].

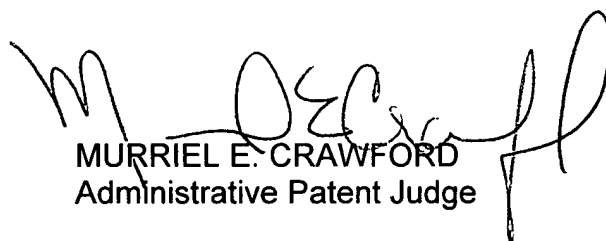
The appellant argues that the Cain's cylindrical surface 18 is not the proximal end, analogous to the end 88 of the invention but is rather is analogous to the base 50 in appellant's invention.


We will sustain this rejection. Although, the appellant may be correct that the cylindrical surface 18 in Cain is analogous to appellant's base 50, this cylindrical surface is a surface that is proximal to the center of the turbine disk. We note that neither claim 1 nor claim 2 recite what the end is proximal to and therefore, end 18 of Cain is a proximal end as broadly claimed.

The decision of the examiner is affirmed.

No time period for taking any subsequent action in connection with this appeal
may be extended under 37 CFR § 1.136(a).

AFFIRMED


MURRIEL E. CRAWFORD
Administrative Patent Judge


ROBERT E. NAPPI
Administrative Patent Judge


ANTON W. FETTING
Administrative Patent Judge

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Appeal No. 2006-2072
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